

## **Attachment 2**

### **Proof of Formal Adoption**

#### **Rohner Creek Flood Control and Riparian Habitat Improvement Project**

The City of Fortuna has been a contributor to the North Coast Integrated Regional Water Management Plan (NCIRWMP) over the last several years, including hosting the first NCIRWMP regional conference at the City of Fortuna River Lodge in 2007. However, the City has never formally adopted the Memorandum of Mutual Understanding (MOMU) that signifies formal participation and adoption of the Regional Plan. The City will formally adopt the NCIRWMP MOMU at the April 18, 2011 City Council meeting. Included with this attachment is the Draft Council agenda staff report and an unsigned copy of the MOMU to be adopted. The City will send a copy of the executed MOMU within a week of the April 18<sup>th</sup> council meeting.

# STAFF REPORT

## City Council Agenda Item

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**DATE:** April 18, 2011

**TO:** Honorable Mayor and Council Members

**FROM:** Dennis Ryan, City Engineer/Director of Public Works

**THRU:** Duane V. Rigge, City Manager

**SUBJECT:** Authorize the City Manager to sign a Memorandum of Mutual Understandings Regarding the North Coast Integrated Regional Water Management Plan

### **STAFF RECOMMENDATION:**

Adopt Resolution 2011-XX to authorize the City Manager to sign a Memorandum of Mutual Understandings regarding the North Coast Integrated Regional Water Management Plan.

### **EXECUTIVE SUMMARY:**

The North Coast Integrated Regional Water Management Plan (NCIRWMP) is being developed by North Coast stakeholders responsible for water-related issues. The goals of the NCIRWMP are as follows:

- To develop a comprehensive plan to facilitate regional cooperation in providing water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, watershed protection and enhancement, wetlands enhancement and creation, and environmental and habitat protection and improvement.
- To foster coordination, collaboration and communication between North Coast agencies, tribes, and stakeholders responsible for water-related and climate/energy issues and interested stakeholders, to achieve greater efficiencies, enhance public services, and build public support for vital projects.
- To improve regional competitiveness for State and Federal grant funding.

A NCIRWMP Policy Review Panel and a Technical Peer Review Committee have been established, and a Regional Plan has been developed, in conjunction with the first phase of the Plan. Water management strategies for the region have been identified, and integrated priority projects have been developed by stakeholders that demonstrate how these strategies can be implemented. The City of Fortuna has previously submitted the Rohner Creek Flood Control and Riparian Habitat Restoration Project to the Technical Peer Review Committee, and the Committee determined the project was consistent with the goals of the NCIRWMP, and the

project is included in the integrated priority project list. The project was not, however, selected for funding under the initial funding limits.

The City now desires to submit a grant funding application to the California Department of Water Resources for funding of the Rohner Creek project under a Proposition 1E Grant Application. Requirements of the Proposition 1E application process include that the project be included in the IRWMP project list (as noted above the project is included in the NCIRWMP project list), and the submitting agency has adopted the Integrated Regional Water Management Plan.

The City Manager's execution of the attached *Memorandum of Mutual Understandings, Integrated Regional Water Management Plan, November, 2010* as authorized by the attached Resolution 2011-XX, fulfills the Proposition 1E grant application requirement for the City's adoption of the NCIRWMP.

Council should also recognize that Section 5.7 (*Non-binding nature: termination and withdrawal.*) of the Memorandum of Mutual Understandings acknowledges that execution of the Memorandum, and participating in the IRWMP effort are legally nonbinding, any agency may withdraw from the Memorandum and participation in the NCIRWMP at any time, and the Memorandum does not give the NCIRWMP or its Policy Review Panel any decision-making authority over matters within the jurisdiction of any signatory to the Memorandum.

Please note there is an error in the attached Memorandum document provided by the NCIRWMP, in that the page numbers imply there are a total of 10 pages, whereas, there are actually a total of 6 pages. **CONFIRM**

**RECOMMENDED COUNCIL ACTION:**

- ✓ Receive staff presentation and review Council questions with staff.
- ✓ Receive public comment.
- ✓ Close public comments.
- ✓ Motion to approve Resolution 2011-XX by Voice(??) vote.

**Attachments:**

- Memorandum of Mutual Understandings, Integrated Regional Water Management Plan, November 11, 2010
- Resolution 2011-XX

## **Attachment**

### **Memorandum of Mutual Understandings Integrated Regional Water Management Plan November 11, 2010**

#### **1. PURPOSE**

The purpose of this Memorandum is to establish the mutual understandings of North Coast area agencies, tribes and stakeholders with respect to their joint efforts towards an ongoing, adaptive North Coast Integrated Regional Water Management Plan (IRWMP) that will increase regional coordination, collaboration and communication and help in obtaining funding for water-related projects, watershed protection and enhancement, energy programs and projects, and climate change initiatives and increase regional economic vitality.

#### **2. GOALS**

The goals of the IRWMP are:

2.1. To develop a comprehensive plan to facilitate regional cooperation in providing water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, watershed protection and enhancement, wetlands enhancement and creation, and environmental and habitat protection and improvement.

2.2. To foster coordination, collaboration and communication between North Coast agencies, tribes and stakeholders responsible for water-related and climate/energy issues and interested stakeholders, to achieve greater efficiencies, enhance public services, and build public support for vital projects.

2.3. To improve regional competitiveness for State and Federal grant funding.

#### **3. DEFINITIONS**

3.1. Integrated Regional Water Management Plan: The plan envisioned by state legislators, state resource agencies and local governments and stakeholders in the North Coast Region that integrates the projects and management plans of all water-related agencies, tribes and stakeholders in the North Coast Region, in order to foster coordination, collaboration and communication among those entities and to assist decision-makers in awarding grants and other funding. The plan will address water supply, water quality, wastewater, stormwater/flood control, watershed planning and aquatic habitat protection and restoration as well as economic development, assistance to disadvantaged communities, climate change mitigation and adaptation and energy independence.

3.2. Agency: A public entity, be it a special district, city or other governmental entity, responsible for providing one or more services in the areas of water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, aquatic habitat protection, restoration, climate change mitigation and/or adaptation and local economic development.

3.3. Service Function: A water or climate-related individual service function provided by an agency or tribe, i.e. water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, aquatic habitat protection or restoration, or energy programs

3.4. Project: An integrated, multi-benefit implementation activity in need of funding that addresses: water supply, water quality, wastewater, stormwater/flood control, watershed planning or aquatic habitat protection and restoration, local economic development, climate mitigation or adaptation and energy independence

3.5. Management Plan: An agency's, tribe's, or organization's plan, based in part on the land-use plans within the entity's jurisdiction, that addresses how that entity will provide service in the future in one or more of the following service functions: water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, climate change mitigation/adaptation, or aquatic habitat protection or restoration.

3.6. Integration: Assembling into one document the water-related management strategies, projects and plans in the North Coast Region. The plan will identify water management and climate mitigation/adaptation strategies and priority projects for the region and demonstrate how these strategies and priority projects work together to provide reliable water supply, protect or improve water quality, provide watershed protection and planning, mitigate the effects of climate change, assist the region in adapting to climate change, provide local economic development – especially to disadvantaged communities – or provide environmental restoration and fisheries protection. Projects and plans would be categorized, and the regional benefits of linkages and interrelationships between multiple water and climate change management strategies, projects and plans of separate service functions would be identified, e.g. wastewater treatment and water recycling, stormwater/flood management, climate mitigation/adaptation or habitat restoration.

3.7. North Coast IRWMP Policy Review Panel (PRP). The governing and decision making body for the North Coast IRWMP, described in Section 5.4. The PRP reviews and approves plans and applications for grants or other types of financial assistance on behalf of the NCIRWMP and makes policy decisions on behalf of the NCIRWMP.

3.8. North Coast IRWMP Technical Peer Review Committee (TPRC). The panel is comprised of up to two technical representatives from each North Coast County and three tribal representatives. The TPRC representatives from each North Coast County will be appointed by the PRP members from each County. The tribal representatives on

the TPRC will be selected through the Tribal Representation Process attached hereto as Exhibit A. The TPRC is advisory to the PRP and evaluates and makes recommendations based on technical and scientific data. They will support staff in compiling and integrating projects and management plans of the North Coast region. Review committee members will define the process of compilation and integration including format, schedules, and ground rules to ensure process consistency and uniformity.

#### 4. IRWMP PROJECT PARTICIPANTS

4.1 Local Public Agencies. Public agencies, which have developed projects and management plans, and are devoting staff to the process, will contribute to the development of the NCIRWMP both via in-kind staff support and in some cases direct financial support. These agencies will be signatories to this Memorandum of Mutual Understandings. As authorized by the NCIRWMP Policy Review Panel, a local public agency may act as a contracting entity on behalf of the NCIRWMP.

4.2. Tribes. Tribes, which have developed projects and management plans, are responsible to their respective constituents and members, and are devoting staff to the process, will contribute to the development of the NCIRWMP both via in-kind staff support and in some cases direct financial support. These tribes will be signatories to this Memorandum of Mutual Understandings.

4.3 Contributing entities. Other entities (including, but not limited to, business and environmental groups, and landowner organizations) are considered valuable contributors to the process. Contributing entities will be kept informed via the NCIRWMP website, will continue to be invited and encouraged to participate in all meetings and workshops, and may be signatories to this Memorandum of Mutual Understandings.

4.4. State and Federal Agencies. Such agencies may include the Department of Water Resources, the State Water Resources Control Board, the North Coast Regional Water Quality Control Board, the California State Coastal Conservancy, Department of Fish and Game, National Oceanic and Atmospheric Administration, Environmental Protection Agency, Natural Resources Conservation Service, Department of Conservation, California Energy Commission, and Department of Energy. Such agencies will be invited to participate in a variety of ways, including but not limited to, providing input into the NCIRWMP planning process, and updating the PRP and staff on relevant legislative, policy, regulatory and funding initiatives and opportunities. If they cannot participate in work meetings, staff and representatives of the PRP and TPRC will keep them advised of project and plan progress and seek guidance as needed.

#### 5. MUTUAL UNDERSTANDINGS

##### 5.1. Need for a North Coast IRWMP

5.1.1. The North Coast IRWMP process is intended to foster increased coordination, collaboration and communication between North Coast agencies, tribes and interested stakeholders that may result in more effectively managed resources, cost efficiencies and better service to the public.

5.1.2. Also, representatives of state resource agencies and state legislators have suggested that qualification of some state grants and other funding criteria will require development and implementation of Integrated Regional Water Management Plans.

5.2. Subject matter scope of the IRWMP. The IRWMP will include, but may not necessarily be limited to, water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning and aquatic habitat protection and restoration, climate mitigation and adaptation, local economic development or energy independence programs. It is acknowledged that the management plans of each individual public agency or tribe are based, in part, on the land-use plans within an agency's or tribe's jurisdiction. Therefore, the NCIRWMP will by design incorporate the land-use plans and assumptions intrinsic to the respective service functions of these local agencies

5.3. Geographic scope of the IRWMP. The North Coast Region for this Memorandum is defined as the seven North Coast counties – Modoc, Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, and Sonoma. These counties lie within the North Coast Hydrologic Region, even though some areas of some counties and individual agencies may lay outside the North Coast hydrologic region. Where it demonstrably supports the purpose of the NCIRWMP, as determined by the NCIRWMP Policy Review Panel, collaborations may extend beyond the NCIRWMP regional boundary into other counties and/or states. In the case of energy independence endeavors, boundaries may encompass full counties.

#### 5.4. Approach to developing the IRWMP

5.4.1. The first phase of the NCIRWMP formed the PRP and TPRC, developed a NCIRWMP website for stakeholder communication and data sharing, developed the North Coast IRWM plan, identified water management strategies for the region and the integrated priority projects that demonstrate how these strategies work together to provide reliable water supply, protect or improve water quality, provide watershed protection and planning, and provide environmental restoration and fisheries protection. Opportunities to identify regional benefits and linkages between multiple water management strategies among projects and plans of separate service functions were identified

5.4.2 Future phases of the NCIRWMP are expected to expand upon and further integrate existing strategies, add new regional strategies (including but not limited to climate mitigation and adaptation and energy independence) continue and enhance stakeholder outreach and inclusion, and coordinate and collaborate – where applicable – beyond the boundaries of the North Coast IRWMP with other regional, statewide and

national efforts that are relevant to NCIRWMP goals and objectives.

5.4.3 Policy Review Panel. The North Coast IRWMP Policy Review Panel shall consist of two representatives from each of the seven Counties (Modoc, Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, and Sonoma) plus three tribal representatives selected by the North Coast tribes according to the "Tribal Representation Process" attached hereto as Exhibit A. Such County representatives shall be designees of the Board of Supervisors of the County. Each County shall also designate two alternates who have expertise in water, wastewater, land-use, or energy planning, and are familiar with the North Coast IRWMP process, and who may be members of the Technical Peer Review Committee. Each tribal representative may have one alternate who would be selected according to the Tribal Representation Process (Exhibit A), and who may be a member of the Technical Peer Review Committee. In the event that the elected or tribal representatives are unavailable for a particular meeting, the alternates may participate on their behalf. All meetings of the Policy Review Panel will be subject to and carried out in accordance with the provisions of the Ralph M. Brown Act. All PRP members acknowledge and agree that the PRP is subject to the Ralph M. Brown Act. Panel members may participate in panel meetings via teleconferencing, consistent with the requirements of the Brown Act.

5.5. Decision-making. Decision-making will be conducted by the North Coast IRWMP Policy Review Panel. The panel shall seek to arrive at a consensus if the need for a decision arises. If the panel cannot reach consensus, decisions shall be made as follows:

5.5.1. Quorum. Representatives or alternates constituting one-half or more of the total number of representatives on the Policy Review Panel shall constitute a quorum for purposes of transacting business or arriving at a decision.

5.2.2. One vote per representative. Each representative (or alternate, if a representative is not present) shall have one vote.

5.2.3. Majority vote. If a quorum is present, the affirmative vote of a majority of members of the Policy Review Panel present at a meeting is required to, and is sufficient to, approve any item of business or make any necessary decision.

5.6. Approval of the NCIRWMP. Review and approval of the final North Coast Integrated Regional Water Management Plan will occur by voting of the NCIRWMP Policy Review Panel, with input from the NCIRWMP Technical Peer Review Committee, North Coast region stakeholders and NCIRWMP staff. The NCIRWMP will also be brought before each North Coast County's Board of Supervisors for consideration and adoption. Tribes will approve the NCIRWMP according to the Tribal Representation Process.

5.7. Non-binding nature; termination and withdrawal. Execution of this Memorandum and participation in this IRWMP effort are legally nonbinding, and in no way impair an



agency or tribe from continuing its own planning or undertaking its own, separate efforts to secure project funding from any source. An agency or tribe may withdraw from this Memorandum and participation in the NCIRWMP at any time by notifying the NCIRWMP contracting entity in writing. Nothing in this Memorandum is intended to give the NCIRWMP or its Policy Review Panel any decision-making authority over matters within the jurisdiction of any signatory County, agency, or tribe.

5.8. Personnel and financial resources. It is expected that agencies, tribes, and organizations will contribute the personnel and financial resources necessary to develop the NCIRWMP.

5.9. Reports and communications. Staff and the Policy Review Panel and Technical Peer Review Committee will regularly report on their progress to the agencies, tribes, and stakeholders participating in the NCIRWMP process and the associations or organizations to which they belong that are involved in the NCIRWMP process.

6. Entirety of Memorandum of Mutual Understandings. This Memorandum of Mutual Understandings (MOMU) shall constitute the entire MOMU between the parties relating to the Integrated Regional Water Management Plan and shall supersede all prior MOMUs concerning the same subject matter.

#### 7. SIGNATORIES TO THE MEMORANDUM OF MUTUAL UNDERSTANDINGS

We, the undersigned representatives of our respective agencies or tribes, acknowledge the above as our understanding of how the North Coast Integrated Regional Water Management Plan will be developed and maintained over time.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Agency / Tribe

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Agency / Tribe

**RESOLUTION NO. 2011-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA  
AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF  
MUTUAL UNDERSTANDINGS REGARDING THE NORTH COAST INTEGRATED  
REGIONAL WATER MANAGEMENT PLAN**

**WHEREAS**, the North Coast Integrated Regional Water Management Plan (NCIRWMP) is intended to develop a comprehensive plan to facilitate regional cooperation in providing water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, watershed protection and enhancement, wetlands enhancement and creation, and environmental and habitat protection and improvements; and

**WHEREAS**, the goals of the NCIRWMP include developing a comprehensive plan to facilitate regional cooperation in providing water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, watershed protection and enhancement, wetlands enhancement and creation, and environmental and habitat protection and improvement; to foster coordination, collaboration and communication between North Coast agencies, tribes, and stakeholders responsible for water-related and climate/energy issues and interested stakeholders, to achieve greater efficiencies, enhance public services, and build public support for vital projects; and to improve regional competitiveness for State and Federal grant funding; and;

**WHEREAS**, the City of Fortuna has submitted a proposed project entitled the Rohner Creek Flood Control and Riparian Habitat Restoration Plan to the NCIRWMP Technical Peer Review Committee, and said project has been determined to be consistent with the goals of the NCIRWMP; and

**WHEREAS**, the City of Fortuna now desires to submit a grant application for funding of the Rohner Creek Flood Control and Riparian Habitat Restoration Project with Proposition 1E Grant Funds; and

**WHEREAS**, a requirement of the Proposition 1E Grant Funding process is to document the applicant's participation in the Integrated Regional Water Management Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fortuna does hereby authorize the City Manager to execute the Memorandum of Mutual Understandings regarding the North Coast Integrated Regional Water Management Plan on behalf of City of Fortuna.

**PASSED AND ADOPTED** by the City Council of the City of Fortuna on April 18, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Douglas Strehl, Mayor

ATTEST:

\_\_\_\_\_  
Duane V. Rigge, City Clerk